REMARKS

Reconsideration and further prosecution of the above-identified application are respectfully requested in view of the amendments, and the discussion that follows. Claims 1-27 are pending in this application. Claims 1-27 have been rejected under 35 U.S.C. §103(a) as being obvious over U.S. Pat. No. 7,269,253 to Wu et al. ("Wu") in view of U.S. Pat. No. 6,366,575 to Barkan et al. ("Barkan"). Claims 1, 12, 22, 26 and 27 have been amended. After a careful review of the claims, it is believed that the claims are in allowable form and a Notice of Allowance is respectfully requested.

Claims 1, 12, 22, 26 and 27 have been amended for clarification. Claims 1, 12, 22, 26 and 27 has been amended to include a plurality of pending calls. The plurality of pending calls 102, 104 are discussed in paragraph [0032] and are shown in FIG. 2.

Claims 1, 12, 22, 26 and 27 has also been amended to include the use of a contact center. The contact center 10 is discussed in general throughout the specification.

Claim 1, 12, 22, 26 and 271 has been further amended to "providing an offer" to select and handle calls. The offer to handle the calls through the use of a call selection window 100 is discussed in paragraph [0025] and is shown in FIG. 2.

Claim 1 has also been further amended to "said offers being presented on a respective terminal of each of the at least some agents where the offer and a description of each of the plurality of pending calls is presented within a separate window on the terminal." Claims 12, 22, 26 and 27 have been similarly amended. The use of separate windows 102, 104 for each a plurality of calls is discussed in paragraph [0026] and is shown in FIG. 2.

Claim 1 has also been further amended to "allowing the available human agents to separately bid on handling each of the pending calls." Claims 12, 22, 26 and 27 have been

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similarly amended. Separate ENTER BID buttons 112, 120 for separately entering bids for each a plurality of calls is discussed in paragraph [0033] and is shown in FIG. 2.

Claim 1 has also been further amended to "receiving bids within the contact center." Claims 12, 22, 26 and 27 have been similarly amended. The receipt of the bid within the contact center 10, for example by the call assignment processor 46 is discussed in paragraph [0034] of the specification.

Claims 1, 12, 22, 26 and 27 have also been limited to "the contact center assigning at least some of the pending calls to a human agent." The assignment of calls by the contact center 10 or by an assignment processor 46 within the contact processor 10 is discussed in paragraph [0034].

Claims 1-27 are now clearly differentiated over Wu and Barkan. For example, Wu merely discusses agent bids for a caller. Nowhere within Wu is there any discussion of any offer of a plurality of pending calls to an agent or of any ability of the Wu agents to separately bid on each of the plurality of pending calls.

Similarly, Barkan also fails to provide any teaching or suggestion of an offer to an agent or a bid received from an agent. In this regard, Barkan explicitly states that "an Offer message is sent to call router 18 . . . When an available agent has been identified, call router 18 sends a Bid message . . . to the web server" (Barkan, col. 5, lines 40-62).

Similarly, Barkan teaches away from the contact center receiving bids or the contact center assigning pending calls to an agent. In this regard, Barkan explicitly states that "When an available agent has been identified, call router 18 sends a Bid message . . . to the web server . . . The web server then sends the information to the web browser . . . The message indicates . . . how much time the agent will be held for a call from the browser user" (Barkan, col. 5, line 59 to col. 6, line 12). Since the Barkan browser user places the call to the agent, there is no offers to

agents, not bids from agents, no receipt of bids within the call center from agents and no assignment of calls within the contact center to agents.

Moreover, Barkan (as with Wu) teaches away from the display of a plurality of pending calls. For example, the Call Request Browser 38 of Barkan only provides for the callback of only a single agent at a time.

Moreover, the combination of Wu and Barkan appears to be based upon hindsight reconstruction involving information not available at the time of filing of the instant application. For example, neither Wu or Barkan provide any recognition of the fact that an offer and bidding process could be used within a contact center and where the contact center presents offers to agents and receives bids from agents.

With regard, to claims 2, 13, and 23, the Office Action asserts that "Barkan . . . disclose wherein the description of the call comprises a call target identifier (e.g., agent dn)" (Office Action of 6/19/09, page 4). However the call target identifier of Barkan is not the same as the claimed call target identifier identified by DNIS.

With regard, to claims 3, 10, 14, 21, and 24, the Office Action asserts that "Wu discloses . . . submitting a lowest possible bid from an agent of the plurality of agents in response to the agent double-clicking on an Enter Bid button or window (See col. 21 lines 52-62)" (Office Action of 6/19/09, page 4). However there is no disclosure within Wu of any agent double-clicking on a Enter Bid button or of a lowest possible bid.

With regard, to claims 4 and 15, the Office Action asserts that "Wu discloses . . . displaying the provided information on a terminal display of each available agent . . . in a separate call selection window . . . Barkan . . . disclose . . . displaying the provided information on a terminal display of each available agent . . . in a separate call selection window" (Office

Action of 6/19/09, page 4). However, this appears to be a complete mischaracterization of both Wu and Barkan.

With regard to claims 5, 6, 16, 17, and 25, the Office Action asserts that "Wu discloses . . . defining the bid as being a numerical value between two non-zero limits (for example, the bid may be a commission rate) (See col. 21 lines 39-62)" (Office Action of 6/19/09, paragraph bridging pages 4-5). However, this again appears to be a mischaracterization since there are no numerical values described and those of skill in the art would recognize that a commission could, just as easily, be based upon an alphabetical list of commission rates.

With regard to claims 7 and 18, the Office Action asserts that "Wu discloses . . . classifying the media type (for example, the call has a predefined skill requirement) (See col. 21 lines 52-62)" (Office Action of 6/19/09, paragraph bridging pages 4-5). However, as those of skill in the art would recognize, a skill requirement is not a media type.

With regard to claims 8 and 19, the Office Action asserts that "Wu discloses . . . determining an agent average number of calls handled per time period of a call type of the classified call for each agent of the plurality of agents (See col. 21 lines 39-51)" (Office Action of 6/19/09, paragraph bridging pages 4-5). However, this again appears to be a mischaracterization since the number of units sold per unit time or the time to close a sale is not the same as averaging number of calls handled per time period of a call type of the classified call for each agent.

With regard to claims 9 and 20, the Office Action asserts that "Wu discloses . . . calculating a group average of calls handled per time period of the call type of the classified call (See col. 21 lines 39-51)" (Office Action of 6/19/09, paragraph bridging pages 4-5). However, this again appears to be a mischaracterization since the number of units sold per unit time or the

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time to close a sale is not the same as calculating a group average of calls handled per time period of the call type of the classified call.

With regard to claim 11, the Office Action asserts that "Barkan discloses . . . disclose assigning the call to a default agent of the plurality of agents when an acceptable bid is not received within a predetermined time period (e.g., bid time) (See col. 5-6 lines 59-4)" (Office Action of 6/19/09, page 5). However, the amount of time an agent is held in reserve (as in Barkan) is not the same as assigning a call to agent after a predetermined time period.

For any of the above reasons, Wu and Barkan fail to teach or suggest each and every claim limitation and/or would not be combined absent hindsight reconstruction. Accordingly the rejections are improper and should be withdrawn.

Closing Remarks

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Primary Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Primary Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the

unpaid amount to Deposit Account No. 23-0920. *(If filed by paper, a duplicate copy of this sheet(s) is enclosed).*

Respectfully submitted,

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By: _____
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